IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 16TH NOVEMBER 2007 / 25TH KARTHIKA 1929

WP(C).No. 33994 of 2007(U)

O.S. NO. 106/2004 OF ADDL.SUB COURT,PARAVUR.
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PETITIONER:

NATIONAL INSURANCE COMPANY LTD.,
BRANCH OFFICE, NORTH PARUR-683513,
REP. BY MANAGER.

BY ADV. SRI.RAJAN P.KALIYATH.

RESPONDENT:

RAJESH, S/O. JAYAN,
SOMYA NIVAS, PERUVARAM, NORTH PARAVUR.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J

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W.P.(C) No.33994 OF 2007

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Dated this the 16th day of November 2007

JUDGMENT

This writ petition is filed for a direction to stop the execution proceedings and for disbursement of the amount. The petitioner has suffered a decree at the hands of the Addl.Sub Court, North Parur whereby he is directed to pay a sum of Rs.2,77,000/-. Against that judgment and decree, the petitioner preferred R.F.A. before this court and a Division Bench of this court sustained the objection raised by the Registry and ordered to return the memorandum of appeal to be presented before proper court. Meanwhile execution petition is filed and an application Ext.P3 is also filed under Order 21 Rule 26 C.P.C. to stop the execution. As a matter of abundant caution and to avoid attachment, the petitioner has deposited the amount and it is lying before the Addl.Sub Court. It can be seen from the documents available that the petitioner is seriously pursuing his appellate remedies and therefore if the amount is disbursed at this stage, certainly it will cause embarrassment to him.

Therefore, I direct the court below not to disburse the amount which

is in deposit before the Sub Court for a period of six weeks. Meanwhile the petitioner herein can obtain appropriate orders from the appellate court where he intends to file appeal.

Writ petition is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-